

## Department of Veterans Affairs

## § 13.1

facility which had originally made the deposit. In the event of doubt as to entitlement or the necessity of legal proceedings to obtain assets for the benefit of the General Post Fund, the case will be referred to the Chief Attorney of jurisdiction for advice and/or appropriate action. Any necessary court costs or expenses will be paid from the appropriation, General Operating Expenses, Department of Veterans Affairs.

[33 FR 1073, Jan. 27, 1968]

### OPERATION OF LOST AND FOUND SERVICE

#### § 12.24 Operation of lost and found service.

Unless maintained by the Public Buildings Service, the lost and found service will be maintained by an employee designated by the Manager to be known as the lost and found custodian. VA Form 3771, Record of Lost or Found Article, will be used for recording articles of any personal property lost or found. Every effort will be made to determine rightful ownership of found articles and to recover items which have been reported lost. Currency, including readily negotiable instruments, found and delivered to the lost and found custodian will not be retained beyond the official closing hour. The currency or negotiable instruments will be delivered to the agent cashier before the close of business. Individuals claiming found articles will furnish complete identification and satisfy the facility authority of rightful ownership. Where more than one individual claims ownership the matter will be referred to the Manager for decision. All articles of personal property remaining unclaimed for 90 days or more will be disposed of in accordance with § 12.8.

[21 FR 3875, June 6, 1956]

## PART 13—VETERANS BENEFITS ADMINISTRATION, FIDUCIARY ACTIVITIES

### Sec.

- 13.1 Authority.
- 13.2 Field examinations.
- 13.3 State legislation.
- 13.55 Veterans Service Center Manager to select and appoint or recommend for appointment the person or legal entity to

receive Department of Veterans Affairs benefits in a fiduciary capacity.

- 13.56 Direct payment.
- 13.57 Payment to the wife or husband of incompetent veteran.
- 13.58 Legal custodian.
- 13.59 Court-appointed fiduciary.
- 13.61 Payment to the chief officer of institution.
- 13.62 Payment to bonded officer of Indian reservation.
- 13.63 Payment to custodian-in-fact.
- 13.64 Fiduciary commissions.
- 13.69 Limitation of beneficiaries to individual fiduciary.
- 13.70 Apportionment of benefits to dependents.
- 13.71 Payment of cost of veteran's maintenance in institution.
- 13.72 Release of funds from Personal Funds of Patients.
- 13.73 Transfer of funds from funds due incompetent beneficiaries.
- 13.74-13.77 [Reserved]
- 13.75 Beneficiaries in penal institutions.
- 13.76 Appeals from Veterans Service Center Manager's determination under 38 U.S.C. 5503(b)(2).
- 13.77 Administrative review of the Veterans Service Center Manager's determination made under 38 U.S.C. 5503(b)(2).
- 13.100 Supervision of fiduciaries.
- 13.101 Management and use of estates of minors.
- 13.102 Accountability of legal custodians.
- 13.103 Investments by Federal fiduciaries.
- 13.104 Accounts of court-appointed fiduciaries.
- 13.105 Surety bonds.
- 13.106 Investments by court-appointed fiduciaries.
- 13.107 Accounts of chief officers of public or private institutions.
- 13.108-13.109 [Reserved]
- 13.109 Determination of value of estate; 38 U.S.C. 5503(b)(1)(A) and 38 U.S.C. 5505.
- 13.110 Escheat; post fund.
- 13.111 Claims of creditors.

AUTHORITY: 72 Stat. 1114, 1232, as amended, 1237; 38 U.S.C. 501, 5502, 5503, 5711, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 13 appear at 61 FR 7216, Feb. 27, 1996, and 67 FR 46868, July 17, 2002.

### § 13.1 Authority.

The regulations in this part are issued pursuant to 38 U.S.C. 501 to reflect action under 38 U.S.C. 512 and to implement 38 U.S.C. 5301, 5502, 5503, 5711 and 8520. The duties, the delegations of authority, and all actions required of the Veterans Service Center Manager

## § 13.2

set forth in §§13.1 through 13.111 inclusive, are to be performed under the direction of, and authority vested in, the Director of the field facility.

[40 FR 54247, Nov. 21, 1975]

### § 13.2 Field examinations.

(a) *Authority to conduct; generally.* Field personnel in the Veterans Service Center and other employees who are qualified and designated by the field facility Director are authorized, when assigned, to conduct investigations (field examinations) and examine witnesses upon any matter within the jurisdiction of the Department of Veterans Affairs, to take affidavits, to administer oaths and affirmations, to certify copies of public or private documents and to aid claimants in the preparation of claims.

(b) *Scope of field examinations; fiduciary activities.* Field examinations include but are not limited to the following:

(1) Matters involving the administration of estates and the welfare of beneficiaries of the Department of Veterans Affairs who are under legal disability or in need of supervision by the Veterans Service Center Manager.

(2) Matters involving the welfare and needs of dependents of incompetent beneficiaries.

(3) Recovery of amounts due the Government or General Post Fund under laws administered by the Department of Veterans Affairs.

[40 FR 54247, Nov. 21, 1975, as amended at 67 FR 46869, July 17, 2002]

### § 13.3 State legislation.

Field facility Directors are authorized to cooperate with the affiliated organizations, legislative committees, and through the General Counsel with local and State bar associations, to the end that deficiencies of the State laws relating to Department of Veterans Affairs operations may be removed. No action to commit the Department of Veterans Affairs regarding any proposed legislation relating to fiduciary matters will be taken without the approval of the Under Secretary for Benefits or designee.

[40 FR 54247, Nov. 21, 1975]

## 38 CFR Ch. I (7–1–04 Edition)

### § 13.55 Veterans Service Center Manager to select and appoint or recommend for appointment the person or legal entity to receive Department of Veterans Affairs benefits in a fiduciary capacity.

(a) *Authority.* The Veterans Service Center Manager is authorized to select and appoint (or in the case of a court-appointed fiduciary, to recommend for appointment) the person or legal entity best suited to receive Department of Veterans Affairs benefits in a fiduciary capacity for a beneficiary who is mentally ill (incompetent) or under legal disability by reason of minority or court action, and beneficiary's dependents.

(b) *Payees.* Authorized payees include:

(1) The beneficiary (§ 13.56(c));

(2) The beneficiary under supervision (supervised direct payment) (§ 13.56 (a) and (b));

(3) The wife or husband of an incompetent veteran (§ 13.57);

(4) The legal custodian of a beneficiary's Department of Veterans Affairs benefits (§ 13.58);

(5) A court-appointed fiduciary of a beneficiary (§ 13.59);

(6) The chief officer of the institution in which the veteran is receiving care and treatment (§ 13.61);

(7) The bonded officer of an Indian reservation (§ 13.62);

(8) A custodian-in-fact of the beneficiary (§ 13.63);

(9) Dependents of the veteran by an apportioned award (§ 13.70).

(c) *Certification.* The Veterans Service Center Manager's certification is authority to make payments to the designated payee.

[40 FR 54247, Nov. 21, 1975]

### § 13.56 Direct payment.

(a) *Veterans.* Department of Veterans Affairs benefits payable to a veteran rated incompetent may be paid directly to the veteran in such amount as the Veterans Service Center Manager determines the veteran is able to manage with continuing supervision by the Veterans Service Center Manager, provided a fiduciary is not otherwise required. If it is determined that an amount less than the full entitlement is to be paid, such payment shall be for